



CITY OF SAINT PAUL

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Date: October 8, 2009
 To: Planning Commission
 From: Neighborhood Planning Committee
 Subject: Recommendations on Building Design Standards Zoning Amendments

Background

The Planning Commission held a public hearing on the Residential Design Standards zoning amendments, on May 22 and June 5, 2009. One person spoke on the first date, and six people spoke on the second date. Many were in support of the standards with some specific revisions, and others were in opposition to specific parts of the standards. In addition, eleven letters and emails were received, mostly in support of the standards but with some specific revisions.

This memo summarizes the issues raised and presents Neighborhood Planning Committee recommendations for the Commission regarding proposed building design standards zoning amendments.

Overview of public hearing testimony

The testimony focused on a number of issue areas:

- Variances
- Ambiguity, subjectivity, administrative cost, and architectural innovation
- Green/sustainable design
- Building facade/front door orientation, residential and commercial buildings
- Residential uses at the street level and relationship to the street
- Screening of rooftop and mechanical equipment
- Location and provision of transit stops
- Parking and paving requirements

1. Variances

Sec. 63.110. General design standards.

The following design standards shall be used in-site plan review, as applicable, unless the applicant can demonstrate that there are circumstances unique to the property that make compliance impractical or unreasonable, in which case design conditions may be imposed as provided in section 61.107. For property with local historic site or district designation, compliance with applicable historic guidelines shall be sufficient to meet the requirements of this section.

Testimony. The Tri-Area Block Club takes issue with the introduction language to §63.110, critiquing it for

relying on terms that are very general and open to interpretation ("unique circumstances," "impractical," and "unreasonable"), and use of the word "should" in the text. They and others said that the standards should be changed so they are clear, objective and measurable so that nothing is open to interpretation and they aren't interpreted differently from one case to another. Then the regular variance process can be used as appropriate.

AIA-Saint Paul states that the City should "enthusiastically review and reasonably consider" variances when implementing these design standards, and that improvements to the health of a neighborhood or property owner should be "special" considerations used when deciding when to grant variances.

Staff comment. § 61.601 required findings for variances are based on requirements in state statutes.

Neighborhood Planning Committee recommendation. Remove the introduction language of §63.110 pertaining to "unique circumstances" and compliance being "impractical or unreasonable" and move the last line as follows:

~~The following design standards shall be used in site plan review, as applicable, unless the applicant can demonstrate that there are circumstances unique to the property that make compliance impractical or unreasonable. For property with local historic site or district designation, compliance with applicable historic guidelines shall be sufficient to meet the requirements of this section.~~

(f) For property with local historic site or district designation, compliance with applicable historic guidelines shall be sufficient to meet the requirements of this section.

2. Ambiguity, subjectivity, administrative cost, and architectural innovation

Sec. 63.110. General design standards.

(ba) New development ~~shall~~ should relate to the design of adjacent traditional buildings, where these are present, ~~in scale and character. This can be achieved by maintaining~~ Design features such as similar setbacks, ~~scale~~, facade divisions, roof lines, rhythm and proportions of openings, building materials and colors are possible design techniques to do this while allowing desirable architectural innovation, variation, and visual interest. The intent is not to promote replication of historic architectural styles need not be replicated.

Testimony. Michelle Wall, owner and resident of the modern-design house at 1265 Stanford objects to provisions in §63.110(b) that appear to dictate the pitch of rooflines, paint color, materials, and general "style" of design in order for homes to "relate to the design of adjacent traditional buildings." She says that "modern is not a rejection to tradition..." and finds that when she sees new homes built in a traditional style, "something is off -- they seem cartoonish, fake and ... an insult to the beautiful homes around them . . . The solution to protecting the integrity of neighborhoods lies not in dictating the pitch of a roofline, paint or materials selection, or general 'style' of design; it is better to focus the discussion on issues of quality construction, [and] . . . sustainability. . ."

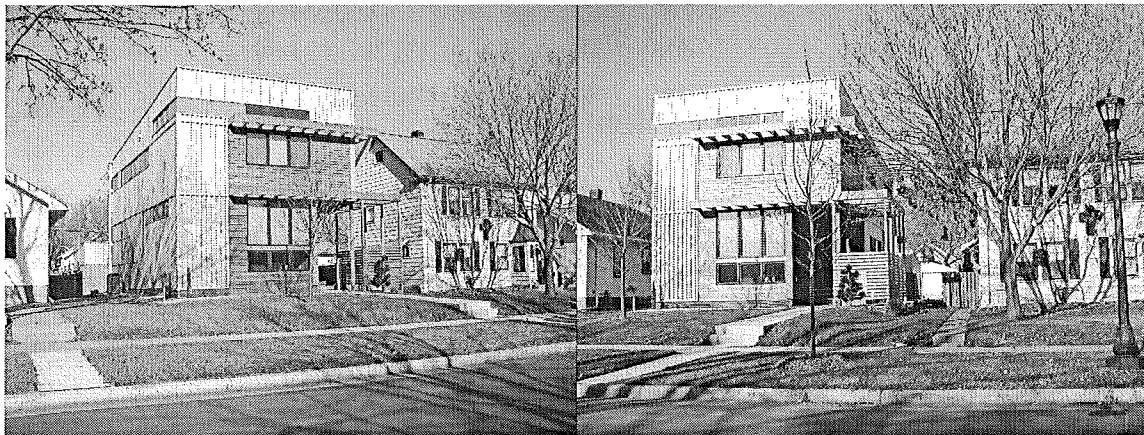


Figure. 1. Photos of 1265 Stanford Ave, Saint Paul

The St. Paul Chapter of the AIA (American Institute of Architects) writes that creativity/innovation should not be thwarted [by design standards], as neighborhoods evolve constantly." Michael Roehr, an architect and Saint Paul resident, said that the standards should "steer clear of fruitless aesthetic debates."

Several testified that use of the word "traditional" problematic. Kevin Flynn of EcoDEEP said that determining what is and what is not "traditional" is arbitrary and subjective. It seems to prescribe a particular style of development; it's better to focus the standards on the quality of construction instead. He and Peter Carlsen separately ask how the City will determine what "traditional" is.

Others similarly critique the standard for lacking a definition of "adjacent" buildings, i.e. whether "adjacent" includes buildings next door, across the street or alley, or down the block. Kevin Flynn questions what is meant by new development "relating to" adjacent traditional buildings. While §63.110(b) might be read to implicitly suggest that new development should have a design similar to that of existing older buildings in an area, he said a new building might "relate to" existing older buildings by being a "counterpoint of design," i.e. purposely incorporating design elements that contrast completely with those of surrounding buildings to achieve aesthetic diversity (or doing so for other reasons).

Kevin Flynn favors using the word "should" rather than "shall" in §63.110(b) because "shall" would lead to "prescriptive requirements that may at times do more harm than good as it can stifle any form of creativity and artful, thoughtful design response." Linda Jungwirth of the Tri-Area Block Club expressed concern about use of the word "should," and about ambiguous and subjective language. She said the standards should be revised so that nothing is left open to interpretation, so that they can't be interpreted differently from one case to another.

Michael Roehr said that § 63.110(b) is so ambiguous and subjective it is "worse than useless." It is an "I know it when I see it" standard that will result in unpredictable, arbitrary, "because I say so" enforcement. AIA-Saint Paul expressed concern about how such an ambiguous and subjective standard would be interpreted and enforced, which could be a "cumbersome, costly, time-consuming, and adversarial process." They also expressed concern about its impact on the architectural innovation needed for more sustainable and "green" design.

Staff comment. The standards should be clear, concise, reasonable, objective, easy to understand, and efficient to administer.

Neighborhood Planning Committee recommendation. Delete § 63.110(b).

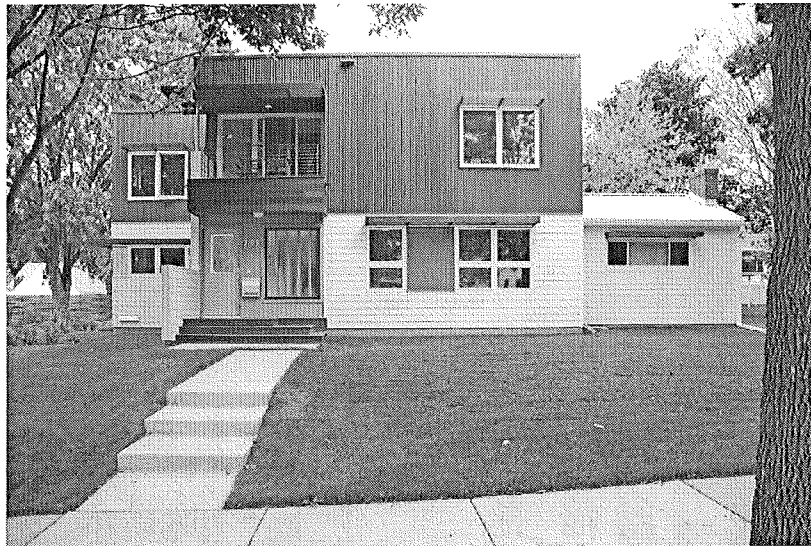


Figure 2. An award-winning Highland Park home designed by Kevin Flynn of EcoDEEP

3. Green/sustainable design

Testimony. AIA-Saint Paul says that the design standards should not ignore the importance of sustainability, and that they should provide for use of alternative energy sources and sustainable materials. Peter Carlsen says that the section on screening of rooftop equipment would appear to prohibit alternative energy sources like solar arrays or wind mills.

Renee Lepreau takes issue with §63.110(b) from a green building perspective, as it appears to require new development to use similar building materials as adjacent traditional buildings. She argues that this poses problems for the green builder who may choose more sustainable materials. Kevin Flynn agrees, and adds that many traditional-style buildings are not good environmental performers or energy efficient. He worries that by following the standards – i.e., by relating to the features of traditional-style buildings, it is possible that homebuilders will “lose a great many opportunities” to be responsible environmental stewards in making homes and buildings more energy efficient.

Renee Lepreau argues that language should be added to the design standards that would make it easier to get a variance if a proposed home reduces the carbon footprint of the built environment or has an environmentally-friendly design.

Staff comment. Section 60.103, Intent and purpose, of the Zoning Code includes the following:

(k) To promote the conservation of energy and the utilization of renewable energy resources.

Policy 3.19 of the Land Use Chapter of the Comprehensive Plan calls for a study on solar energy to promote its use in systems across all types of land use:

3.19. Promote access to sunlight for solar energy systems in new or rehabilitated residential, commercial, and industrial developments to the extent possible. Prepare a study on tools, techniques, and regulations to facilitate increased usage of solar energy systems, either as standalone systems or as supplements to conventional energy sources, including, but not limited to:

- a. *Orientation of buildings, lots, and streets to capture the maximum amount of sunlight;*
- b. *Building and site design, and the permissible levels of shading by structures and vegetation; and*
- c. *Determination of minimum degree of solar access protection needed to produce maximum amount of solar energy.*

The State Building Code is the main regulatory document that governs building materials. It specifies that municipalities cannot impose more restrictive standards on the use of particular building materials than the State Building Code (including the Energy Code). This limits the extent to which the City's Zoning Code can regulate the use of particular building materials.

With regard to potential missed opportunities for passive solar residential house design and the 15% minimum window/door area requirement for the front of homes, 15% is a reasonable minimum. The need for a requirement that houses have windows facing the street was the top concern highlighted in testimony from the District 2 and District 6 Planning Councils. This can be done while employing a variety of techniques to maximize the effectiveness of passive solar home designs, including appropriately located vegetation, window glazing and awnings.

Neighborhood Planning Committee recommendation. Delete 63.110(b) as recommended in item #2 above, and add a new §63.110(b) that specifies common and separate window standards for residential and nonresidential buildings.

(be) For principal residential buildings, except industrial, production, processing, storage, public service and utility buildings, above grade window and door openings shall comprise at least fifteen (15) percent of the total area of exterior walls (excluding the area of garage doors) facing a public street or sidewalk. In addition, for new principal residential buildings, above grade window and door openings shall comprise at least ten (10) percent of the total area of all exterior walls. Windows in garage doors shall count as openings; the area of garage doors themselves shall not count as openings. For residential buildings, windows shall be clear or translucent. For nonresidential buildings, windows may be clear, translucent, or opaque.

4. Building facade and front door orientation, residential and commercial buildings

- (ab) *Primary building entrances on all new buildings principal structures shall face the primary abutting public street or walkway, or be linked to that street by a clearly defined and visible walkway or courtyard. Additional secondary entrances may be oriented to a secondary street or parking area. Primary entries shall be clearly visible and identifiable from the street, and delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features. Sides of buildings facing an abutting public street should use the same building materials and other architectural treatments as principal facades.*
- (c) *In pedestrian-oriented commercial districts (generally characterized by storefront commercial buildings built up to the public sidewalk) the following standards for new construction principal structures shall apply:*
- (1) *Buildings Front setbacks shall relate to adjacent buildings and be as close to the sidewalk as practical no more than fifteen (15) feet.*
 - (2) *At intersections, buildings shall "hold the corner," that is, have street facades at or near the sidewalks of both streets.*
 - (3) *The primary entrance shall face the primary abutting public street and Buildings shall have a direct pedestrian connection to the street.*
 - (4) *~~No blank Walls shall be permitted to face the fronting on a public street, sidewalks, or other public spaces such as a plazas.~~ (5) Buildings shall have window and door openings, facing the street; Windows facing parking lots are also encouraged*

Testimony. Peter Carlsen suggests that the preposition in the first sentence of §63.110(a) be modified from "on" to "into" or "of". He testified that §63.110(a) should allow a side entrance to be the primary entrance, as well as allow multifamily dwellings and condominium conversions to have doors not facing the street.

Carlsen also notes that many buildings in pedestrian-oriented commercial districts have entrances that face the parking, often on the side and rear of a building. He finds this reality inconsistent with requirement for buildings to "hold the corner" in §63.110(c), and submitted a "demonstration" of this (Figure 3 below). In it, a traditional commercial building located in a pedestrian-oriented district on Selby Avenue has two entrances that face the side lot line and the adjacent surface parking lot.

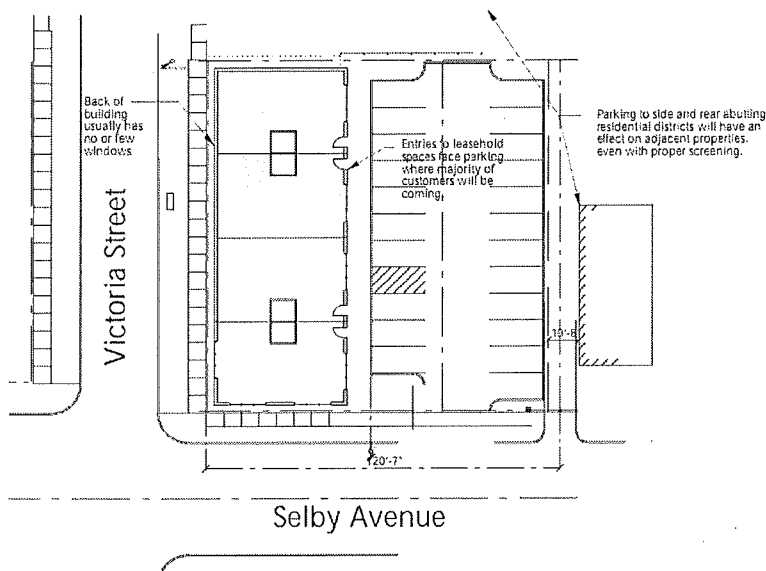


Figure 3. Demonstration plan submitted by Peter Carlsen

Renee Lepreau notes that §63.110(a) and (e), the sections on primary facades and window requirements, could “present difficulties to ... builders [who may] want to maximize the solar potential of their lot,” conflicting with the existing street layout. She goes on to note that just because a homebuilder may want to minimize heat loss by providing fewer windows on the north side of a house that also faces a public street, this doesn't mean that there has to be a blank wall to the street. She says that there are still plenty of ways to capitalize on passive solar opportunities “while still presenting an attractive and interesting facade to the public.”

The Tri-Area Block Club notes that §63.110(a) still allows for “sideways” houses, and states that the requirement for house orientation should be similar to the commercial requirement, as per §63.110(c)(3). §63.110(c)(3) states that the primary entrance [for principal structures in pedestrian-oriented commercial districts] shall face the primary abutting public street.

Staff comment. Peter Carlsen’s suggested minor edit of the first sentence of §63.110(a) makes sense. His statement that the side/rear entries of commercial buildings facing parking lots in pedestrian-oriented districts are functionally more important today than street-oriented entries does not lessen the importance of providing the latter. In pedestrian-oriented commercial districts, it is still important for buildings to provide a clear path for a pedestrian to enter a building from the street to promote walkability, as well as for those at intersections to provide an entrance that “holds the corner.” To minimize confusion, the standard for this should be revised to be more clear, objective, and measurable.

The Tri-Area Block Club’s suggestion that “the front entry of a house should be oriented toward the primary street” does not take into account the many fine existing traditional homes that have side-oriented entrances that are clearly visible and connected to the public street and sidewalk (see Figures 4 below).



Figures 4. Existing traditional houses in Saint Paul with entries that face the side lot line

Neighborhood Planning Committee recommendation.

Provide more specific, measurable, new standards in §63.110(a), including requirements for a primary entrance of all principal structures, as well as additional specific requirements for a primary entrance of one- and two-family dwellings. In addition, remove language in this section that does not pertain to building entrances (it is recommended to be moved to a separate section of §63.110 in item #5 below).

(ab) A Primary building entrances of all new buildings principal structures shall face the primary abutting public street or walkway, be located within the front third of the structure, or be linked to that street by a clearly defined and visible walkway or courtyard, be delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features; and have a direct pedestrian connection to the street. Additional secondary entrances may be oriented to a secondary street or parking area. Primary entries shall be clearly visible and identifiable from the street, and delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features. In addition, for one- and two-family dwellings, a primary entrance shall

either: 1) face an improved abutting street; or 2) be located off of a front porch, foyer, courtyard, or similar architectural feature, and set back at least eight (8) feet from the side lot line. Sides of buildings facing an abutting public street should use the same building materials and other architectural treatments as principal facades.

Provide more specific, measurable, new standards in §63.110(c) by clarifying the meaning of "hold the corner," as well as allow for, at intersections, vertical structural elements that "hold the corner" in lieu of providing street facades within fifteen feet of the lot line along both streets.

(c) ~~In pedestrian-oriented commercial districts (generally characterized by storefront commercial buildings built up to the public sidewalk), the following standards for new construction principal structures shall apply: (1) Buildings Front setbacks shall relate to adjacent buildings and be as close to the sidewalk as practical no more than have a maximum setback of fifteen (15) feet from a commercial front lot line. (2) At intersections, buildings shall "hold the corner," that is, have street facades within fifteen (15) feet of the lot line along at or near the sidewalks of both streets, or the site plan shall have vertical structural elements that "hold the corner." (3) The A primary entrance shall face the a primary abutting public street. and Buildings shall have a direct pedestrian connection to the street.~~

~~(4) No blank walls shall be permitted to face the fronting on a public street, sidewalks, or other public spaces such as a plazas.~~

~~(5) Buildings shall have window and door openings facing the street; Windows facing parking lots are also encouraged.~~

5. Residential uses at the street level and relationship to the street

Sec. 63.110. General design standards.

(d) Residential uses at street level shall generally be set back far enough from the street to provide a private yard area between the public sidewalk and the front door. Landscaping, steps, porches, grade changes, and low ornamental fences or walls may be used to provide increased privacy and livability for first floor units.

Testimony. Peter Carlsen notes that this would seem to prohibit some recent CBD townhouses, and asks if this isn't better controlled with the setback requirements in the various zoning districts.

Staff comment. This is better controlled through the existing clear, objective, measurable standards for setbacks in individual zoning districts, which make this redundant. An ambiguous and subjective standard like this adds confusion as to what the standards are.

Neighborhood Planning Committee recommendation. Remove §63.110(d), and replace it with the following language that was removed from the recommended edited §63.110(a) above:

(d) Building materials and architectural treatments used on sides of buildings facing an abutting public street should be similar to those used on principal facades.

6. Screening of rooftop and mechanical equipment

(e) All rooftop equipment shall be screened from view from adjacent streets, public rights-of-way and adjacent properties. Rooftop equipment shall be screened by the building parapet, or shall be located out of view from the ground. If this is infeasible, the equipment shall be grouped within a single enclosure. This structure shall be set back a distance of one and one-half (1 ½) times its height from any primary facade fronting a public street. Screens shall be of durable, permanent materials (not including wood) that are compatible with the primary building materials. Exterior mechanical equipment such as ductwork shall not be located on primary building facades.

Testimony. Merri Fromm suggests that all equipment should be screened, not just rooftop mechanical

equipment, and that the locations of A/C condensers should be limited to "areas that minimize impact to neighbors."

Peter Carlsen critiques the placement of rooftop equipment screening regulation in §63.110, suggesting that it is more appropriately located in §63.114 Visual screens. He also points out that simply painting small rooftop units can be less visually intrusive than providing a screen around them.

Kevin Flynn agrees that rooftop equipment should be screened wherever possible, but is concerned that solar panels will be considered rooftop equipment. Related to this, he says that building parapets will likely "limit the size of the solar installation and/or produce shadows across the panels thereby rendering them useless," which he notes as inconsistent with the City's sustainability initiatives.

Staff comment. Section 63.106 of the Zoning Code already has provisions that allow for location of HVAC units and other mechanical equipment as projections into required side and rear yards, and in non-required front yards. If not allowed in side and rear yards, there are few other places where mechanical equipment can be located.

Language pertaining to the location, screening and design of rooftop equipment does not fit in §63.114, Visual screens, which provides standards for fences, earth berms, and plant materials that go on the ground "whenever a visual screen is required by this code."

There are options for minimizing the visual impact of rooftop equipment that in some cases may be better than visual screens. §63.110(e) should be revised to provide flexibility for other options and avoid unreasonably restricting solar panels. §63.110(e) should also be revised to more clearly state the intent of the section – to reduce the visibility of rooftop equipment from the street. The word "mechanical" should also be inserted to apply this section to most rooftop equipment but not antennas, which are separately specifically addressed in sections 65.310 – 65.313.

Neighborhood Planning Committee recommendation. Amend §63.110(e) as follows:

- (e) *All ~~The visibility of rooftop mechanical heating and cooling~~ equipment shall be reduced through such means as location, screening, or integration into the roof design from view from adjacent streets, public rights-of-way and adjacent properties. Rooftop equipment shall be screened by the building parapet, or shall be located out of view from the ground. If this is infeasible, the equipment shall be grouped within a single enclosure. This structure shall be set back a distance of one and one-half (1 ½) times its height from any primary facade fronting a public street. Screenings shall be of durable, permanent materials (not including wood) that are compatible with the primary building materials. Exterior mechanical equipment such as ductwork shall not be located on primary building facades.*

7. Location and provision of transit stops

- (g) *If transit facilities are needed to serve existing or proposed development, provisions shall be made, where practical, for location of a bus stop or sheltered transit waiting area in a convenient and visible location.*

Testimony. Peter Carlsen wonders about the point of this provision, given that public transit is accommodated in public right-of-way, planned for and operated by Metro Transit. He wonders if the City is now saying it is the responsibility and obligation of private property owners to facilitate and construct public transit infrastructure.

Neighborhood Planning Committee recommendation. Delete §63.110(g).

8. Parking & paving requirements

Sec. 63.110. General design standards.

- (f) *For residential parking, the following standards shall apply:*

- (1) *Off-street parking spaces shall not be located within a front yard or non-interior side yard. Except in the rear yard, garages that face and front on a public street shall be set back from*

abutting public streets at least as far as the principal structure (in the case of attached garages, this refers to the non-garage part of the structure) and garage doors shall not exceed sixty (60) percent of the width of the principal structure. Attached garages shall be set back at least five (5) feet behind the principal front facade of the building unless topographic conditions or lot configuration make this impractical. Except in the rear yard, garage doors facing a public street shall be no more than nine (9) feet in height.

(2) For one-family through four-family and townhouse dwellings, access to off-street parking shall be from an abutting improved alley when available. On corner lots, access to parking in the rear yard may be from the side street. Detached garages shall be located consistent with the prevailing pattern on the block or within the neighborhood, unless physical conditions make this impractical.

(3) For one-family through four-family dwellings, and for townhouses with garage doors that face and front on a public street, driveways in front yards shall be no more than twelve (12) feet in width. A driveway apron up to four (4) feet wider than the garage door may extend up to thirty (30) feet from the garage before reducing to a width of twelve (12) feet.

(h) The number of curb cuts shall be minimized, and shared curb cuts for adjacent parking areas are encouraged.

Sec. 63.316. Paving.

All parking spaces, driveways and off-street parking facilities shall be paved with asphalt or other durable, dustless surfacing, or of material comparable to the adjacent street surfacing, in accordance with other specifications of the zoning administrator. The parking area shall be paved within one (1) year of the date of the permit except as provided in section 61.402(e). The total amount of surface parking for one-family and two-family dwellings shall not exceed fifteen (15) percent of the lot area.

Testimony. Peter Carlsen suggests that the language in §63.110(f) be moved to §63.303. Parking location, residential, so that all requirements related to residential parking are in one logical place. Similarly, he notes that §63.110(i) is covered in §63.310. Entrances and exits.

Peter Carlsen questions if the amendments to §63.316 that limit the total amount of surface parking for one- and two-family dwellings to 15 percent of the lot area will allow enough space for required parking spaces and driveways. He wonders if the 15% maximum applies to both parking spaces and driveways. If so, he doubts that it will be possible to achieve this on lots with a driveway, no alley, and a parking pad in the backyard. See Figure 5.

Staff comment. While §63.303 specifies the permitted general locations of residential parking, most of the language in §63.110(f)(1) deals with setbacks of residential parking, including garages and surface parking areas. However, given that residential garages and parking are accessory buildings and uses, it makes most sense to move language from §63.110(f) (1) and (2), which address access to and the permitted specific location of residential parking, to §63.501, Accessory buildings (and uses).

It makes sense to move language in §63.110(h) pertaining to curb cuts to §63.310, Entrances and exits. It makes sense to move §63.110(f)(3) pertaining to the width of driveway pavement to §63.316. Paving.

Section 63.316 could be clarified by adding the word "spaces" to clarify its intent that the 15 percent limit on the amount of lot area devoted to surface parking applies to the spaces themselves, not to driveways.

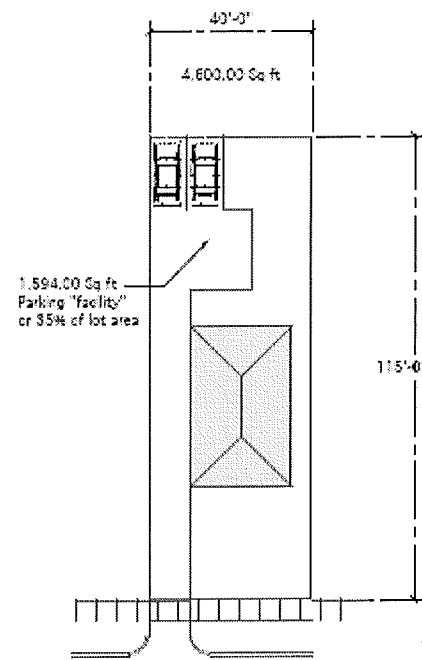


Figure 5. Demonstration site plan of lot with no alley (P. Carlsen)

Neighborhood Planning Committee recommendation.

Consolidate requirements about access to, and location of, residential parking into one place (§63.501(b)). Also clarify that garages, not garage doors, shall be set back, and clarify that cars parked on driveways located in the side yard and leading to a legal parking space are permitted, as follows:

Sec. 63.501(b). Accessory buildings and uses.

(b) *Accessory buildings, structures or uses shall not be erected in or established in a required yard except a rear yard. The following additional standards shall apply to residential parking:*

(1) Access to off-street parking shall be from an abutting improved alley when available, except where it is determined in the review of a site plan application that there are circumstances unique to the property that make this impractical, unreasonable, or harmful to the public safety. On corner lots, access to parking in the rear yard may be from the side street.

(2) Off-street parking spaces shall not be located within the front yard or non-interior side yard.

(3) Garages shall be set back from the front lot line at least as far as the principal structure (in the case of attached garages, this refers to the non-garage part of the structure).

(4) Except in the rear yard, garage doors that face and front on a public street shall be no more than nine (9) feet in height and shall not exceed sixty (60) percent of the width of the principal structure facing the same street.

(5) Passenger vehicles may be parked on an approved driveway in front or side yards provided they are located on an approved driveway that leads to a legal parking space.

(c) *On corner lots, accessory buildings, structures or uses shall be set back from the street a distance equal to that required of the principal structure.*

When an accessory building, structure or use is constructed in a rear yard which adjoins a side yard or front yard, the accessory building, structure or use shall be set back from the interior lot line a distance equal to the minimum side yard required of the principal structure.

On all other lots, accessory buildings shall be set back at least three (3) feet from all interior lot lines, and overhangs shall be set back at least one-third (1/3) the distance of the setback of the garage wall or one (1) foot, whichever is greater.

(d) *This setback requirement from all interior lot lines for accessory buildings in rear yards shall be waived when a maintenance easement is recorded as to the affected properties, when proof of such recorded easement is provided at the time of application for a building permit and when the accessory building is located at least three (3) feet from any building on an adjoining lot. The recording of the maintenance easement shall be interpreted to mean that the following intents and purposes of this setback requirement are met:*

(1) Adequate supply of sunlight and air to adjacent property;

(2) Sufficient space for maintenance of the building from the same lot; and

(3) Prevention of damage to adjoining property by fire or runoff from roofs.

A recorded common wall agreement is permitted in lieu of a maintenance easement if the accessory structure is attached to an accessory structure on an adjoining lot.

[In §63.501, renumber paragraphs (c) through (g) as paragraphs (e) through (i)].

Move language in §63.110(h) to §63.310, Entrances and exits, and add language to §63.310 to deal with driveways and curb cuts that remain when they are no longer used, as follows:

Sec. 63.310. *Entrances and exits.*

Adequate entrances and exits to and from the parking facility shall be provided by means of clearly defined and limited drives. The number of curb cuts shall be minimized, and shared curb cuts for adjacent parking areas are encouraged. When driveways no longer lead to legal off-street parking, the driveway and curb cut shall be removed and landscaping and curbing shall be restored.

Consolidate language about paving for off-street parking and driveways in §63.316, and provide clarification about what is permitted in terms of alternatives to standard paving techniques.

§63.316. Paving.

All parking spaces, driveways and off-street parking facilities shall be paved with ~~standard or pervious asphalt or , concrete, or with brick, concrete or stone pavers, other durable, dustless surfacing or of material comparable to the adjacent street surfacing,~~ in accordance with other specifications of the zoning administrator. The parking area shall be paved within one (1) year of the date of the permit except as provided in section 61.402(e). For one-family and two-family dwellings, driveway pavement may be limited to wheel tracks at least two (2) feet wide.

For one-family through four-family dwellings, and for townhouses with garage doors that face and front on a public street, driveways in front yards shall be no more than twelve (12) feet in width, except that driveway may be up to four (4) feet wider than the garage door within thirty (30) feet of the garage door. The total amount of paving for surface parking spaces for one-family and two-family dwellings shall not exceed fifteen (15) percent of the lot area or one thousand (1000) square feet, whichever is less.

9. Intent and purpose of the Zoning Code

Sec. 60.103. Intent and purpose.

This code is adopted by the City of Saint Paul for the following purposes:

- (a) To promote and to protect the public health, safety, morals, aesthetics, economic viability and general welfare of the community;
- (b) To implement the policies of the comprehensive plan;
- (c) To classify all property in such manner as to encourage the most appropriate use of land throughout the city;
- (d) To regulate the location, construction, reconstruction, alteration and use of buildings, structures and land;
- (e) To ensure adequate light, air, privacy and convenience of access to property;
- (f) To facilitate the adequate provision of transportation, water, sewage disposal, education, recreation and other public requirements;
- (g) To lessen congestion in the public streets by providing for off-street parking of motor vehicles and for off-street loading and unloading of commercial vehicles;
- (h) To provide for safe and efficient circulation of all modes of transportation, including transit, pedestrian and bicycle traffic;
- (i) To encourage a compatible mix of land uses, at densities that support transit, that reflect the scale, character and urban design of Saint Paul's existing traditional neighborhoods;
- (j) To provide housing choice and housing affordability;
- (k) To promote the conservation of energy and the utilization of renewable energy resources;
- (l) To conserve and improve property values;
- (m) To protect all areas of the city from harmful encroachment by incompatible uses;
- (n) To prevent the overcrowding of land and undue congestion of population;

- (o) To fix reasonable standards to which buildings, structures and uses shall conform;*
- (p) To provide for the adaptive reuse of nonconforming buildings and structures and for the elimination of nonconforming uses of land;*
- (q) To define the powers and duties of the administrative officers and bodies;*
- (r) To provide penalties for violations of the provisions of this code or any subsequent amendment thereto; and,*
- (s) To provide for a board of zoning appeals and its powers and duties.*

Testimony. While there were no specific comments made at the public hearing about the intent and purpose section of the Zoning Code, there were several concerns expressed about the potential impact of the proposed building design standards zoning amendments on the ability of homeowners, developers and builders to follow best practices in green building and use innovative sustainable techniques.

Staff comment. Given the focus of the City's new Comprehensive Plan on sustainability, City staff is engaging in a broad study of how the Zoning Code can be modified to facilitate green design and building. As a part of this effort, updating the intent and purpose section will allow the City to reference these goals when there are questions about a particular land use or zoning proposal that may be a more innovative than what is allowed or envisioned by existing zoning regulations.

The Neighborhood Planning Committee noted that while there is existing language on energy conservation and promotion of renewable energy in §60.103 (subsection (k)), there is nothing in the intent section about the protection of water resources and promotion of water conservation.

Neighborhood Planning Committee recommendation. Amend §60.103 as follows:

- (p) To protect water resources, improve water quality, and promote water conservation;*
- (qp) To provide for the adaptive reuse of nonconforming buildings and structures and for the elimination of nonconforming uses of land;*
- (rq) To define the powers and duties of the administrative officers and bodies;*
- (sr) To provide penalties for violations of the provisions of this code or any subsequent amendment thereto; and,*
- (ts) To provide for a board of zoning appeals and its powers and duties.*

St. Paul City-wide Design Standards
Neighborhood Planning Committee recommended amendments, 10/7/09

Sec. 61.401. Site plan review generally.

A site plan shall be submitted to and approved by the zoning administrator before All applications for building permits are issued for all new buildings or building expansions. Building permit applications for new buildings or building expansions shall be accompanied by a site plan; and building elevations drawn to scale and specifications, showing the following:

- (3) The existing and intended use of the zoning lot and of all such structures upon it, including, in for residential uses areas, the number of dwelling units the building is intended to accommodate.

Sec. 61.402. Site plan review by the planning commission (all districts).

Sec. 63.110. General Building design standards.

The following design standards shall be used in site plan review, as applicable, unless the applicant can demonstrate that there are circumstances unique to the property that make compliance impractical or unreasonable. For property with local historic site or district designation, compliance with applicable historic guidelines shall be sufficient to meet the requirements of this section.

- (a) New development shall relate to the design of adjacent traditional buildings, where these are present, in scale and character. This can be achieved by maintaining similar setbacks, facade divisions, roof lines, rhythm and proportions of openings, building materials and colors. Historic architectural styles need not be replicated.
- (ab) A primary building entrances on all new buildings of principal structures shall face the primary abutting public street or walkway, or be linked to that street by a clearly defined and visible walkway or courtyard. Additional secondary entrances may be oriented to a secondary street or parking area. Entries shall be clearly visible and identifiable from the street, and be located within the front third of the structure; be delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features; and have a direct pedestrian connection to the street. In addition, for one- and two-family dwellings, a primary entrance shall either: 1) face an improved abutting street; or 2) be located off of a front porch, foyer, courtyard, or similar architectural feature, and set back at least eight (8) feet from the side lot line.
- (b) For principal buildings, except industrial, production, processing, storage, public service and utility buildings, above grade window and door openings shall comprise at least fifteen (15) percent of the total area of exterior walls facing a public street or sidewalk. In addition, for new principal residential buildings, above grade window and door openings shall comprise at least ten (10) percent of the total area of all exterior walls. Windows in garage doors shall count as openings; the area of garage doors themselves shall not count as openings. For residential buildings, windows shall be clear or translucent. For nonresidential buildings, windows may be clear, translucent, or opaque.
- (c) In pedestrian-oriented commercial districts (generally characterized by storefront commercial buildings built up to the public sidewalk), the following standards for new

construction principal structures shall apply: (1) Buildings shall be as close to the sidewalk as ~~practical~~ have a maximum setback of fifteen (15) feet from a commercial front lot line. (2) At intersections, buildings shall “hold the corner,” that is, have street facades ~~at or near the sidewalks of~~ within fifteen (15) feet of the lot line along both streets, or the site plan shall have vertical structural elements that “hold the corner.” A primary entrance shall face a primary abutting public street.

~~(3) Buildings shall have a direct pedestrian connection to the street.~~

~~(4) No blank walls shall be permitted to face the public street, sidewalks, or other public spaces such as plazas.~~

~~(5) Buildings shall have window and door openings facing the street; windows facing parking lots are also encouraged.~~

~~(d) Residential uses at street level shall generally be set back far enough from the street to provide a private yard area between the sidewalk and the front door. Landscaping, steps, porches, grade changes, and low ornamental fences or walls may be used to provide increased privacy and livability for first floor units.~~

(d) Building materials and architectural treatments used on sides of buildings facing an abutting public street should be similar to those used on principal facades.

(e) All The visibility of rooftop mechanical equipment shall be reduced through such means as location, screening, or integration into the roof design from view from adjacent streets, public rights-of-way and adjacent properties. Rooftop equipment shall be screened by the building parapet, or shall be located out of view from the ground. If this is infeasible, the equipment shall be grouped within a single enclosure. This structure shall be set back a distance of one and one-half (1½) times its height from any primary facade fronting a public street. Screenings shall be of durable, permanent materials (not including wood) that are compatible with the primary building materials. Exterior mechanical equipment such as ductwork shall not be located on primary building facades.

(f) For property with local historic site or district designation, compliance with applicable historic guidelines shall be sufficient to meet the requirements of this section.

~~(f) Attached garages shall be set back at least five (5) feet behind the principal front facade of the building unless topographic conditions or lot configuration make this impractical. Detached garages shall be located consistent with the prevailing pattern on the block or within the neighborhood, unless physical conditions make this impractical.~~

~~(g) If transit facilities are needed to serve existing or proposed development, provisions shall be made, where practical, for location of a bus stop or sheltered transit waiting area in a convenient and visible location.~~

~~(h) The number of curb cuts shall be minimized, and shared curb cuts for adjacent parking areas are encouraged.~~

Sec. 63.310. Entrances and exits.

Adequate entrances and exits to and from the parking facility shall be provided by means of clearly defined and limited drives. The number of curb cuts shall be minimized, and shared curb cuts for adjacent parking areas are encouraged. When driveways no longer lead to legal off-street parking, the driveway and curb cut shall be removed and landscaping and curbing shall be restored.

Sec. 63.316. Paving.

All parking spaces, driveways and off-street parking facilities shall be paved with standard or pervious asphalt or concrete, or with brick, concrete or stone pavers, other durable, dustless surfacing or of material comparable to the adjacent street surfacing, in accordance with other specifications of the zoning administrator. ~~The parking area shall be paved within one (1) year of the date of the permit except as provided in section 61.402(e).~~ For one-family and two-family dwellings, driveway pavement may be limited to wheel tracks at least two (2) feet wide.

For one-family through four-family dwellings, and for townhouses with garage doors that face and front on a public street, driveways in front yards shall be no more than twelve (12) feet in width, except that a driveway may be up to four (4) feet wider than the garage door within 30 feet of the garage door. The total amount of paving for surface parking spaces for one-family and two-family dwellings shall not exceed fifteen (15) percent of the lot area or one thousand (1000) square feet, whichever is less.

Sec. 63.501. Accessory buildings and uses.

(b) Accessory buildings, structures or uses shall not be erected in or established in a required yard except a rear yard. The following additional standards shall apply to residential parking:

(1) Access to off-street parking shall be from an abutting improved alley when available, except where it is determined in the review of a site plan application that there are circumstances unique to the property that make this impractical, unreasonable, or harmful to the public safety. On corner lots, access to parking may be from the side street.

(2) Off-street parking spaces shall not be located within the front yard.

(3) Garages shall be set back from the front lot line at least as far as the principal structure (in the case of attached garages, this refers to the non-garage part of the structure).

(4) Except in the rear yard, garage doors that face a public street shall be no more than nine (9) feet in height and shall not exceed sixty (60) percent of the width of the principal structure facing the same street.

(5) Passenger vehicles may be parked on an approved driveway in front or side yards provided they are located on an approved driveway that leads to a legal parking space.

(c) On corner lots, accessory buildings, structures or uses shall be set back from the street a distance equal to that required of the principal structure.

When an accessory building, structure or use is constructed in a rear yard which adjoins a side yard or front yard, the accessory building, structure or use shall be set back from the interior lot line a distance equal to the minimum side yard required of the principal structure.

On all other lots, accessory buildings shall be set back at least three (3) feet from all interior lot lines, and overhangs shall be set back at least one-third (1/3) the distance of the setback of the garage wall or one (1) foot, whichever is greater.

(d) This setback requirement from all interior lot lines for accessory buildings in rear yards shall be waived when a maintenance easement is recorded as to the affected properties,

when proof of such recorded easement is provided at the time of application for a building permit and when the accessory building is located at least three (3) feet from any building on an adjoining lot. The recording of the maintenance easement shall be interpreted to mean that the following intents and purposes of this setback requirement are met:

- (1) Adequate supply of sunlight and air to adjacent property;
- (2) Sufficient space for maintenance of the building from the same lot; and
- (3) Prevention of damage to adjoining property by fire or runoff from roofs.

A recorded common wall agreement is permitted in lieu of a maintenance easement if the accessory structure is attached to an accessory structure on an adjoining lot.

§63.501, renumber paragraphs (c) through (g) as paragraphs (e) through (i).

Sec. 60.103. Intent and purpose.

This code is adopted by the City of Saint Paul for the following purposes:

- (a) To promote . . .
- (p) To protect water resources, improve water quality, and promote water conservation;
- (qp) To provide for the adaptive reuse of nonconforming buildings and structures and for the elimination of nonconforming uses of land;
- (rq) To define the powers and duties of the administrative officers and bodies;
- (sr) To provide penalties for violations of the provisions of this code or any subsequent amendment thereto; and,
- (ts) To provide for a board of zoning appeals and its powers and duties.

St. Paul City-wide Design Standards
Neighborhood Planning Committee recommended amendments, 10/7/09
[proposed language without strikeouts and underlines]

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A site plan shall be submitted to and approved by the zoning administrator before building permits are issued for new buildings or building expansions. Building permit applications for new buildings or building expansions shall be accompanied by a site plan and building elevations drawn to scale and showing the following:

- (3) The existing and intended use of the zoning lot and of all such structures upon it, including, for residential uses, the number of dwelling units the building is intended to accommodate.

Sec. 61.402. Site plan review by the planning commission.

Sec. 63.110. Building design standards.

- (a) A primary entrance of principal structures shall be located within the front third of the structure; be delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features; and have a direct pedestrian connection to the street. In addition, for one- and two-family dwellings, a primary entrance shall either: 1) face an improved abutting street; or 2) be located off of a front porch, foyer, courtyard, or similar architectural feature, and set back at least eight (8) feet from the side lot line.
- (b) For principal buildings, except industrial, production, processing, storage, public service and utility buildings, above grade window and door openings shall comprise at least fifteen (15) percent of the total area of exterior walls facing a public street or sidewalk. In addition, for new principal residential buildings, above grade window and door openings shall comprise at least ten (10) percent of the total area of all exterior walls. Windows in garage doors shall count as openings; the area of garage doors themselves shall not count as openings. For residential buildings, windows shall be clear or translucent. For nonresidential buildings, windows may be clear, translucent, or opaque.
- (c) In pedestrian-oriented commercial districts characterized by storefront commercial buildings built up to the public sidewalk, new principal structures shall have a maximum setback of fifteen (15) feet from a commercial front lot line. At intersections, buildings shall "hold the corner," that is, have street facades within fifteen (15) feet of the lot line along both streets, or the site plan shall have vertical structural elements that "hold the corner." A primary entrance shall face a primary abutting public street.
- (d) Building materials and architectural treatments used on sides of buildings facing an abutting public street should be similar to those used on principal facades.
- (e) The visibility of rooftop mechanical equipment shall be reduced through such means as location, screening, or integration into the roof design. Screening shall be of durable, permanent materials that are compatible with the primary building materials. Exterior mechanical equipment such as ductwork shall not be located on primary building facades.
- (f) For property with local historic site or district designation, compliance with applicable historic guidelines shall be sufficient to meet the requirements of this section.

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structure.

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